

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-11917-GAO

MICHON M. ANDERSON,
Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security, Defendant.

OPINION AND ORDER
December 23, 2014

O'TOOLE, D.J.

The plaintiff moves for entry of judgment, asserting that this Court never entered judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The March 31, 2014 Order Affirming the Decision of the Commissioner (dkt. no. 24) (“the Order”) is a judgment within the meaning of the Rules. It is a “separate document” containing the Court’s final judgment, as required by Rule 58(a). Unlike the Opinion and Order (dkt. no. 23) it directly followed, the Order cannot be construed as an explanatory opinion because it did not engage with issues raised by the parties. Instead, the one-sentence Order affirms the Decision of the Commissioner and, under the First Circuit’s mechanical approach, should have been recognized by the parties as a separate judgment. See Vaqueria Tres Monjitas, Inc. v. Comas-Pagan, No. 14-cv-1132, 2014 WL 6765769, at *2-3 (1st Cir. Dec. 2, 2014); Fiore v. Washington Cnty. Cmty. Mental Health Ctr., 960 F.2d 229, 234-35 (1st Cir. 1992).

That the document was entitled “order” rather than “judgment” is immaterial. While Rule 58 refers only to “judgment,” Rule 54(a) states that “‘judgment’ as used in these rules includes . . . any order from which an appeal lies.” See United States v. Johnson, 254 F.3d 279,

285 n.7 (D.C. Cir. 2001); Clough v. Rush, 959 F.2d 182, 185 (10th Cir.1992) (“Generally, orders containing neither a discussion of the court’s reasoning nor any dispositive legal analysis can act as final judgments if they are intended as the court’s final directive and are properly entered on the docket.”)

For the foregoing reasons, the plaintiff’s Motion for Entry of Judgment (dkt. no. 25) is DENIED.

It is SO ORDERED.

/s/ George A. O’Toole, Jr.
United States District Judge